



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 27, 1995

Ms. Alesia L. Sanchez  
Legal Assistant  
Legal and Compliance, 110-1A  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR95-237

Dear Ms. Sanchez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30800.

The Texas Department of Insurance (the "department") received a request for copies of current rates, underwriting guidelines, and loss ratios for the most recent three years for certain county mutual insurance companies. You ask whether the department must withhold from required public disclosure these underwriting guidelines pursuant to section 552.101 of the Government Code in conjunction with article 1.24D of the Insurance Code.

Section 552.101 of the Government Code excepts from required public disclosure information that is confidential by law, including information that is confidential by statute. Article 1.24D of the Insurance Code provides for confidentiality for underwriting guidelines and states in pertinent part:

(a) The department or the office of public insurance counsel may request and receive copies of an insurer's underwriting guidelines. Underwriting guidelines are confidential and the department or the office of public insurance counsel may not make the guidelines available to the public, provided, however, that the department or the office of public insurance counsel may disclose a summary of the underwriting guidelines in a manner that does not directly or indirectly identify the insurer who provided the guidelines.

Article 17.22 of the Insurance Code exempts county mutual insurance companies from the application of certain insurance laws and provides in part as follows:

(a) County mutual insurance companies shall be exempt from the operation of all insurance laws of this state, except such laws as are made applicable by their specific terms or as in this Chapter specifically provided. In addition to such other Articles as may be made to apply by other Articles of this Code, county mutual insurance companies shall be subject to all the provisions of Article 1.04(e), and of Subdivision 7 of Article 1.10 and of Article 1.15A and of Article 1.24 and of Article 2.04 and of Article 2.05 and of Article 2.08 and of Article 2.10 and of Article 5.12 and of Article 5.37 and of Article 5.38 and of Article 5.39 and of Article 5.40 and of Article 5.49 and of Article 21.21 and of Article 21.28B and of Article 21.49 of this Code, and the provisions of Article 7064 of the Revised Civil Statutes of Texas, 1925. [Footnotes omitted.]

Article 17.22 does not make article 1.24D applicable to county mutual insurance companies. Nor do the terms of article 1.24D make it applicable to county mutual insurance companies.<sup>1</sup> We therefore believe that article 17.22 of the Insurance Code exempts county mutual insurance companies from the application of article 1.24D. Accordingly, the requested underwriting guidelines are not confidential pursuant to article 1.24D and the department may not withhold them from required public disclosure based on section 552.101 of the Government Code.

You raise no other exception to the required public disclosure of the underwriting guidelines. We conclude that they must be released.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Government Section

---

<sup>1</sup>We note that the terms of article 1.24B of the Insurance Code make that provision applicable to county mutual insurance laws by defining "insurer" to include county mutual insurance companies. See Ins. Code art. 1.24B, § (2)(A). Article 1.24D contains no definition of "insurer."

KHG/rho

Ref.: ID# 30800

Enclosures: Submitted documents

cc: Mr. Joseph C. Boggins  
De Leon & Boggins  
Attorneys at Law  
221 West 6th Street, Suite 1050  
Bank One Tower  
Austin, Texas 78701  
(w/o enclosures)